



CRL OP(MD). No.13243 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08/07/2026

CORAM

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No.13243 of 2026

Bala @ Balakrishnan

... Petitioner/ Accused No.10

Vs

The State of Tamilnadu Rep By,
The Inspector of Police,
Pew Police Station, Madurai City.
Cr.No.196 of 2025.

... Respondent/ Complainant

PRAYER :-

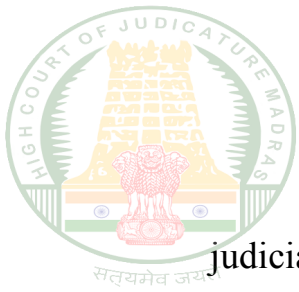
To enlarge the petitioner on bail in C.C.No.137 of 2026 on the file of the learned II Additional District Judge, Special Court for EC and NDPS Cases, Madurai, in connection with Cr.No.196 of 2025 on the file of the respondent police and thus render

For Petitioner : J. Vijayaraja,
Advocate.

For Respondent : Mr.T.Lenin Kumar,
Government Advocate (Crl.Side)

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to



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judicial custody on 17.11.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25, 29(1) of NDPS, in Crime No.196 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.08.2025 at about 06.30 a.m., the respondent police received the secret information regarding the transportation of ganja in an auto bearing Reg.No.TB 58 V 2709 near Azhagappan Railway Gate, Madurai. Thereafter, the respondent police arrived at the place of occurrence at about 07.30 a.m., where the respondent caught A1 to A4 with illegal possession of 22 kg of ganja. After arresting A1 to A4, based on the confession, it is revealed that the other accused also funded and supported A1 to A4 for transportation of ganja and also been added as accused. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that though the petitioner, who have been involved



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in a commercial quantity, has been ranked as A10 based on the confession recorded from the co-accused. He further submitted that all the other accused, who are included as accused on the basis of confession, have been granted bail by this Court, in Crl.OP(MD)No.6437 of 2026, Crl.OP(MD)No.8337 of 2026 and Crl.OP(MD)No.8347 of 2026 vide order dated 16.04.2026 and 11.06.2026 respectively. He further submitted that the petitioner is a similarly placed accused and there is no incriminating material against him except the confession recorded by the police and the petitioner is in judicial custody from 17.11.2025 onwards. Therefore, he prayed to grant bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent and reiterated the prosecution case and on instructions, reported that it is a case of commercial quantity and therefore, condition under Section 37 of the NDPS Act is applicable to the case of the petitioner. He further submitted that petitioner is also having 4 previous cases. Out of which, 1 is similar in nature and 3 cases are IPC offences and the investigation is at preliminary stage. Hence, he opposed to grant bail to the petitioner.

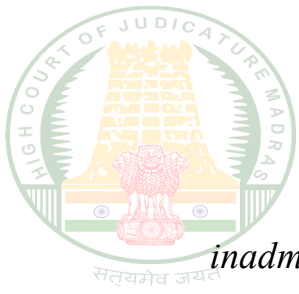


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5. This Court has also carefully perused the records, including the order passed by this Court in Crl.OP(MD)No.6437 of 2026. In the said order, while granting bail to R.Vishwa/A9, this Court has observed as follows:-

“6.Considering the rival submissions made by the learned counsel on either side, nature of offence and no cotraband was recovered from the petitioner and based on the confession of A1 to A4, he has been arrayed as A9 and though the petitioner has four previous cases, in all cases the petitioner was granted bail and also considering the period fo oncarceration undergone by the petitioner from 20.08.2025, this Court is inclined to grant bail to the petitioner subject to the following conditions.”

6. The other co-accused were also already granted bail for similar ground. In this case, the prosecution is not able to produce any incriminating material, except the confession of the co-accused to implicate the accused as held by the Hon'ble Apex Court in the case of ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, that the statement recorded by the police under Section 25 of the Evidence Act is



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inadmissible in evidence except for the same being ready for recovery or discovery of any fact.

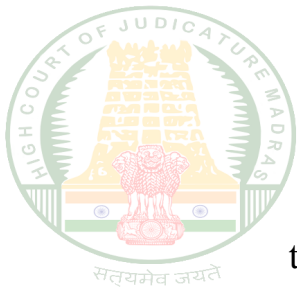
7. Considering the above observation made by the Hon'ble Apex Court, the petitioner was added as an accused only based on the confession, and the co-accused were already released on bail by this Court in Crl.OP(MD)No.6437 of 2026, Crl.OP(MD)No.8337 of 2026, and Crl.OP(MD)No.8347 of 2026; the petitioner is also entitled to the grant of bail on the ground of parity.

8. Accordingly, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **IInd Additional District and Sessions Judge, Special Court For EC and NDPS Cases, Madurai**, and on further conditions that:

[b] **the petitioner shall report before the trial Court daily at 10.30 a.m.,until further orders.**

[c] the petitioner shall not commit any offence similar to



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the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

08.07.2026

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To

- 1.The IInd Additional District and Sessions Judge, Special Court For EC and NDPS Cases, Madurai
- 2.The Inspector of Police,
Pew Police Station, Madurai City.
3. The Superintendent, Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K. RAJASEKAR,J

dss

ORDER
IN
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